

The House Committee on Natural Resources and Environment offers the following substitute to HB 1322:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to
2 covenants running with the land, so as to prohibit covenants which prohibit xeriscaping by
3 providing that yards in a subdivision be planted with certain types of grass or other shrubs,
4 trees, or bushes; to provide for related matters; to provide for an effective date and
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to covenants
9 running with the land, is revised by adding a new paragraph (5) to subsection (d) to read as
10 follows:

11 "(5) Notwithstanding any other provision of this Code section, no covenant that requires
12 the use of specified grasses or other shrubs, trees, or bushes shall be enforced in this state
13 unless the covenant provides for the use of xeriscaping principles to reduce the amount
14 of water necessary to maintain the landscape. Xeriscaping refers to landscaping in ways
15 that do not require supplemental irrigation. Plants whose natural requirements are
16 appropriate to the local climate are emphasized, and care is taken to avoid losing water
17 to evaporation and runoff. Prohibiting xeriscaping is declared to be against the public
18 policy of this state."

19 **SECTION 2.**

20 This Act shall become effective on July 1, 2008, and shall be applied to all landscape
21 installations on or after that date.

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.